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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,740	02/12/2004	James W. Voegle	END-5015NP	5619

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER

ROY, BAISAKHI

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ustuner (6746402). Ustuner discloses a fingertip-mounted minimally invasive surgical instrument and method comprising a finger mount having a proximal and distal end (col. 2 lines 41-49), an ultrasonic transducer and receiver positioned on the distal end of the finger mount (col. 2 lines 47-49). The transducer can be one of various different kinds (col. 2 lines 50-56). The system includes a contact sensor positioned at the tip of the probe which senses contact with an adjacent surface, sending a trigger signal to activate the system (col. 4 lines 44-52). The system is activated to image the surgical site (col. 3 lines 22-32, col. 5 lines 51-58).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ustuner in view of Seward (7037270). Ustuner teaches using the ultrasound system to obtain images during surgical procedures but does not teach using it for therapeutic applications. In the same field of endeavor Seward discloses an ultrasound system with transducer mounted on a finger for surgical or therapeutic purposes in small cavities (col. 2 lines 44-53, col. 6 lines 35-55). It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Seward to modify the teaching by Ustuner for the purpose of providing effective ultrasonic therapy in small cavities or spaces (col. 2 lines 28-39).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892 for relevant references of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baişakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700